

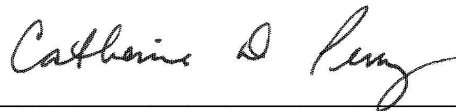
COUNCIL TOWER)
ASSOCIATION,)
)
Plaintiff,)
)
vs.) Case No. 4:07CV1858 CDP
)
AXIS SPECIALTY INSURANCE)
COMPANY,)
)
Defendant.)

On May 28, 2008, defendant filed a motion to compel production of documents according to a subpoena served on John J. Smith Masonry. Although defendant's motion indicates that he served plaintiff's counsel with the motion to compel, it indicates only that defendant served John J. Smith Masonry with the subpoena. There is no indication that John J. Smith Masonry was ever served with the motion to compel. As a result, I will order defendant to serve John J. Smith Masonry with the motion to compel and to file proof of service. I will also order defendant to file a document informing the Court of the address where third-party John J. Smith Masonry could be served if the Court were to grant defendant's motion and issue a show cause order.

Accordingly,

IT IS HEREBY ORDERED that defendant Axis Specialty Insurance Company shall serve a copy of its motion to compel on third-party John J. Smith Masonry and file proof of service with the Court.

IT IS FURTHER ORDERED that defendant Axis Specialty Insurance Company shall file a document informing the Court of the address of third-party John J. Smith Masonry.

A handwritten signature in black ink, reading "Catherine D. Perry", is positioned above a horizontal line.

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 12th day of June, 2008.